

ORIGINAL

FILED

07/06/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 21-0157

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 21-0157

FILED

JUL 06 2021

Bowen Greenwood
Clerk of Supreme Court
State of Montana

360 Reclaim, LLC, a Montana Limited Liability Company,
Plaintiff/Defendant/Counter-Plaintiff/Third-Party Plaintiff,
and Appellee

v.

William M. Russell, an individual,
Defendant/Plaintiff/Counter-Defendant, and Appellant

And

Mountain View Investments, L.C., an Idaho Limited Company,
Co-Defendant

**APPELLANT WILLIAM M. RUSSELL'S NOTICE
THAT THE FIRST MOTION FILED TO EXTEND TIME TO FILE
APPELLANT'S OPENING BRIEF
IS UN-OPPOSED**

On Appeal from the Eleventh Judicial District
Flathead County,
Montana Consolidated Case No. DV-19-305B (DV-19-473C)
Honorable Robert B. Allison

**APPELLANT WILLIAM M.
RUSSELL, represented Pro Se:**

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**COUNSEL FOR MOUNTAIN
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**COUNSEL FOR APPELLEE 360
RECLAIM, LLC:**

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COMES NOW, the Appellant William M. Russell, self-represented,
pursuant to Rule 26(1) M. R. App. P. and complying with Rule 16 of M. R. App.
P., who for good cause and without intent of unduly delaying this appeal, DID on
June 29, 2021, respectfully move this Court for a 30-day extension of time in
which to file its Opening Brief. Appellant's Opening Brief was originally due to
be filed on July 1, 2021. Appellant thereby was seeking to have that time extended
until the end of day on July 31, 2021.

On June 29th, 2021 @ 3pm, opposing counsel for appellee and counsel for the co-defendant on this appeal were emailed to inquire if either opposed said motion. At the time of submitting said motion to the Clerk of Supreme Court:

Counsel for 360 Reclaim, LLC had not responded; and

Counsel for Mountain View Investments L.C has not responded.

Appellant has good cause for requesting said extension and by his signature, certified was not doing so to unduly delay proceedings in either this appeal or in the underlying action.

This motion was submitted pursuant to legal provisions of Rule 26(1) M. R. App. P. which provide:

“In all cases except those addressed in section (2) of this rule, a party may move for and be granted one 30-day extension of time in which to file a brief required or allowed to be filed under these rules. The clerk of the supreme court is authorized to act on any such motions for 30-day extension of time which are unopposed.”

BE IT KNOWN, on Thursday July 1, 2021 at 12:16 p.m., Appellant Russell did receive a response and confirmation from opposing Counsel (for 360 Reclaim, LLC) wherein which did indicate appellant did/does not object to said Motion. [see attached copy of email received 7/1/21 @ 12:16 from Kristin Omvig; re: “Do You

Oppose an Extension of Time to file Appellant's Opening Brief on Appeal DA 21-0157?"]

Additionally, pursuant to Rule 10(1)(b) M. R. App. P., this motion is being delivered via facsimile to the Clerk of the Supreme Court at 3:49 am/pm, on the 1st day of July 2021. On this same date, complying with Rule 16 M. R. App. P., appellant is mailing actual copies of this motion to the Clerk of the Montana Supreme Court and counsel(s) for 360 Reclaim, LLC and Mountain View Investments, L.C. to comport that service is made upon all parties.

Dated this 1st day of July 2021.

Signed 

William M. Russell, Appellant, pro se

CERTIFICATE OF SERVICE

I certify that on July 1st 2021, I am mailing by standard U.S. first-class mail,
mailed an actual copy of the preceding document to the following:


Council of Record:

Kristin Omvig
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PO Box 1758
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406-314-6011
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Counsel for 360 Reclaim, LLC

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njlofing@garlington.com

Counsel for Mountain View Investments, L.C.


A handwritten signature in black ink, appearing to read 'William M. Russell', is written over a horizontal line.

William M. Russell, Appellant, pro se

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 16(3) of the Montana Rules of Appellate Procedure, I certify that this Motion is printed with a proportionately spaced text typeface of 14 points; is double spaced; and the word count calculated by Microsoft Word 2010, is not more than 1,250 words, excluding certificate of service and certificate of compliance.

Dated this 1 day of July 2021.

A handwritten signature in black ink, appearing to read 'William M. Russell', is written over a horizontal line.

William M. Russell, Appellant, pro se

From: Kristin Omgvig
Sent: Thursday, July 1, 2021 12:16 PM
To: G W
Cc: Ann Thamert
Subject: RE: Do You Oppose an Extension of Time to file Appellant's Opening Brief on Appeal DA 21-0157?

No objection.

Kristin L. Omgvig | SHAREHOLDER
Rocky Mountain Law Partners, PC
Southfield Tower
1830 3rd Ave. East, Ste. 301
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Kalispell, MT 59903
406-314-6011
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IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the U.S. Internal Revenue Service, we inform you that any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding tax-related or other penalties under the U.S. Internal Revenue Code, or (2) promoting, marketing or recommending to another party any tax-related matter addressed herein.

From: G W <midnightmopper@gmail.com>
Sent: Tuesday, June 29, 2021 2:40 PM
To: Kristin Omgvig <kristin@rmtlawp.com>; Nick J. Lofing <njlofing@garlington.com>
Subject: Do You Oppose an Extension of Time to file Appellant's Opening Brief on Appeal DA 21-0157?
Importance: High

Unfortunately I need to file for an extension of time as permitted by Rule 26(1) M. R. App. P.; I anticipate needing up to two weeks, but the Motion will seek 30 days as a precaution. Please advise if you oppose or are un-opposed.

Thank you,

Bill Russell
[406-309-5862](tel:406-309-5862)